

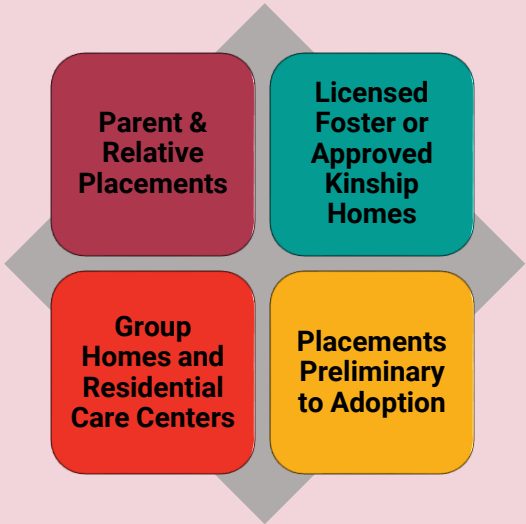


Interstate Compact on the Placement of Children (ICPC)

Desk Guide: Regulations 1, 2, and 7

The purpose of the Interstate Compact on the Placement of Children (ICPC) is to ensure that children placed across state lines have the same protections and services as children placed in their home state. The ICPC is a contract and uniform law among all 50 states, the District of Columbia, and the U.S. Virgin Islands that protects and enforces the jurisdictional, administrative, and human rights obligations of all the parties involved in a placement. The law offers states uniform guidelines and procedures to ensure these placements promote the best interests of each child. Wisconsin enacted Wisconsin's Interstate Compact on the Placement of Children (ICPC) into state law in 1977 (s. 48.988, Stats.). The ICPC process is used when there is a court order in a case, which provides jurisdiction to the county.

The Compact applies to four types of situations:



The ICPC does not apply in the following circumstances:

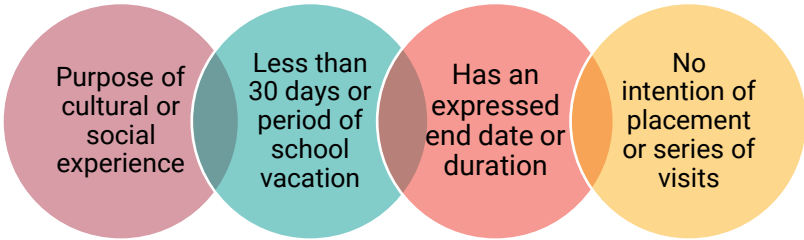
- Placement into a medical facility, boarding school, or mental health facility;
- Out-of-state visits;
- Placement by divorce/paternity/probate courts;
- Placement by the court with a parent from whom the child was not removed, if the court:
 - Has no evidence/does not seek evidence that the parent is unfit
 - AND
 - The court relinquishes jurisdiction as soon as the child is placed;
- Placement made by private individuals with legal right to place; and
- Placement between tribes if the county or state has no jurisdiction or responsibility for the child.

With the ICPC, the following safeguards will be guaranteed for the child and all parties involved in the placement:



Out-of-State Visits

The child's stay may only be considered a visit if it meets the following:



- The visit cannot be extended or renewed beyond 30 days or the school vacation.
- Emergency placements across state lines are not considered visits and are subject to the ICPC.

Agency Responsibilities

There are several agencies involved in the ICPC process:

Sending Agency

The sending agency is the agency that wishes to make placement of the child out-of-state. The sending agency maintains case management responsibilities including planning and financial responsibility for the child and is responsible for any payment for which the placement resource may be eligible.

Receiving State

The receiving state is where the child is sent if the placement resource is approved. The receiving state assigns a local agency in the state in which the child would reside with the proposed placement resource.

Local Agency

The local agency is responsible for completing a home study on the proposed placement resource to ensure the placement is safe and in the best interests of the child. If the placement resource is approved, the local agency in the receiving state is required to supervise the placement and provide supervision reports to the sending state's ICPC office.

Sending State

The sending state is the state making the request to place the child in the receiving state. The sending state ICPC Office ensures that the request is complete prior to sending to the receiving state.

Regulations

Each ICPC request must be submitted following the appropriate regulation requirements for that type of request. There are five regulations that apply to specific types of ICPC requests. Please see the Residential Facility (Regulation 4) desk guides for information on those regulations.

Regulation

1

Relocation of the Family Unit

This regulation applies when the child is currently placed with an approved resource in the sending state, that resource would like to move to the receiving state and supervision of the child's placement will continue in the receiving state.

Regulation

2

Public Court Jurisdiction Cases (parent, relative, foster, adoption)

This regulation applies for a new placement with the proposed resource, or for requests to change the status of a placement already approved by ICPC (i.e. "conversions" such as a placement with an unlicensed relative to a licensed foster home, or a licensed foster home converting to adoption).

Regulation

7

Expedited Placement Decision

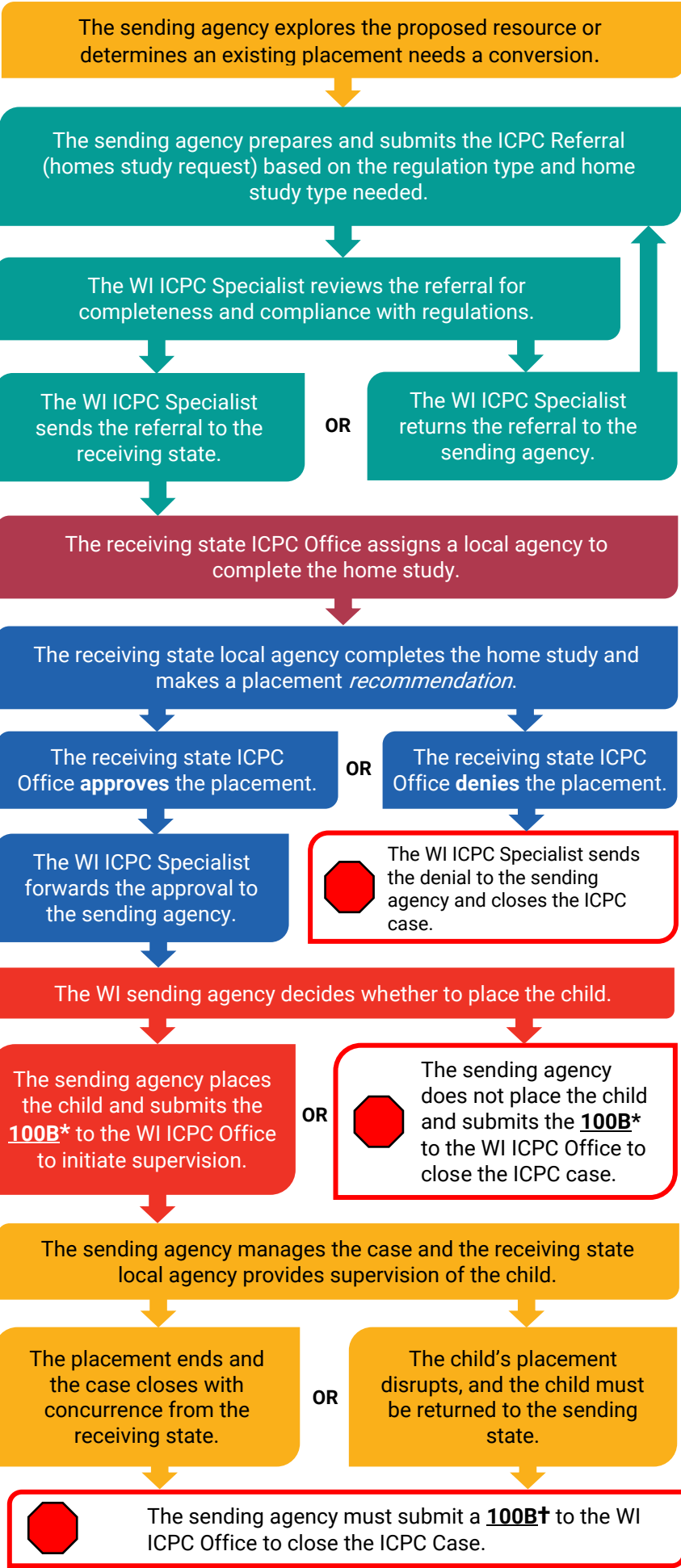
This regulation applies only for children who meet the criteria below. This request requires a specific type of court order (JC-1648). Not all states are able to process these under the required timeframes.

Regulation 7 Criteria:

This regulation only applies if **all** of the following criteria are met:

1. The child is involved in child welfare.
2. The placement is with a:
 - Adult aunt
 - Adult uncle
 - Adult brother
 - Adult sister
 - Parent
 - Stepparent
 - Grandparent
 - The child's guardian
3. This regulation requires that the sending agency obtain a Priority Placement Order (JC-1648) prior to submitting the ICPC Request.
4. The child meets at least **one** of the following criteria:
 - Has an unexpected dependency due to a sudden or recent incarceration, incapacitation, or death of a parent or guardian, *or*
 - The child sought to be placed is four years of age or younger, *or*
 - The child sought to be placed has a sibling(s) four years of age or younger to be placed with the same resource, *or*
 - The court finds that any child in the sibling group sought to be placed has a demonstrated substantial relationship with the proposed placement resource, *or*
 - The child is currently in an emergency placement.

Sending State Workflow



Prior to making a request, the child’s caseworker must contact the potential resource for information about their home and ability/willingness to take placement.

The referral must meet requirements of the regulation type. Based on the regulation type, the following home studies can be requested: parent home study, relative home study, foster home study, and adoptive home study.

Some states do not accept referrals for multiple home study types at the same time. For example, a state may require a foster home study to be approved and placement occur before completing an adoptive home study request.

Conversion requests are requests from relative placements to licensed placements or from relative/licensed placements to adoptive placements.

Home studies for interstate placements are conducted in accordance with the applicable laws and requirements of the state in which the home is located.

The receiving state local agency assigned to complete the home study is responsible for using all information gathered during the home study process to make a placement recommendation specific to the child proposed for placement.

The ICPC sets time frames for states to complete home studies and home study reports depending on the regulation type. Please see *Ongoing Services Standards* for more information.

The sending agency has the final authority to determine whether to use the placement resource. The approval for placement expires in 6 months from the date of approval on the 100A.

If the sending agency does not intend to use the placement resource, the agency must notify the WI ICPC office immediately by submitting 100B through eWiSACWIS.

The sending agency maintains all case planning responsibility for the child and follows all applicable WI laws and standards for a child in out-of-home care.

The sending agency’s responsibility for the child continues until the placement is legally terminated **with concurrence of the receiving state** due to the child:

- Returning to Wisconsin;
- Being legally adopted;
- Having guardianship transferred;
- Reaching the age of majority; or
- Discharging for another reason.

The sending agency shall make its best effort to determine whether placement with the proposed resource is in the best interests of the child prior to making the ICPC request.

Sending states should not request a home study on a resource if there is no possibility or intent to place the child with that resource.

If the Wisconsin court has ordered an ICPC Referral to be submitted for a resource the sending agency would not otherwise have considered, the sending agency should include information about concerns and the reason for the request in the cover letter submitted with the request.

If the court orders placement to be made prior to an ICPC approval, the placement is considered an illegal placement and must be brought into compliance with ICPC as soon as possible. The receiving state is not required to provide supervision of the placement until the placement is approved through ICPC. If placement is not approved, the child must return to Wisconsin.

States may have different requirements based on the type of home study that is requested, such as requiring that all relatives be licensed.

The receiving state’s ICPC Office makes a final decision to approve or deny the resource based on the local agency’s home study, placement recommendation, and all applicable laws and regulations in the receiving state. The receiving state ICPC Office shall approve or deny the request for placement by sending a signed 100A to the Wisconsin ICPC Office.

The child may not be placed in the receiving state until approval is given by the receiving state ICPC office. If a placement resource is denied by the receiving state ICPC office, placement may not be made.

If placement is made by the sending agency, the agency is required to notify the WI ICPC Office within 3 business days of placement.

The WI ICPC Office will initiate supervision by sending the 100B to the receiving state ICPC Office.

If the placement of a child disrupts in the receiving state and ordered to return back to Wisconsin, the sending agency in Wisconsin must arrange a new placement and return the child within 5 business days from the date of notice for removal, unless otherwise agreed upon by all agencies.

The sending agency is responsible for the planning and return of the child, including physical transportation of the child back to Wisconsin. The receiving state can withdraw the request for removal if Wisconsin employs services to resolve the disruption and both ICPC offices agree to the plan.

eWiSACWIS Documentation

Visit the eWiSACWIS Knowledge Web for more information about the ICPC Referral and ICPC Record: dcf.wisconsin.gov/knowledgeweb/home



An ICPC Referral must be created for each child and submitted to the ICPC Office through eWiSACWIS. The sending agency worker will enter information about the child, as well as details for the placement in the ICPC Referral. You will be required to upload documentation specific to the child and the type of regulation required for the ICPC Referral (see next page and resources button in eWiSACWIS).

Once the ICPC Referral is received by the WI ICPC Office, the ICPC Specialist will document a decision to Accept (and send to the receiving state), Not Accept, or Return to Sending Agency for more information. Once accepted, the ICPC Record is created.



As the WI ICPC Specialist receives updates from the receiving state and local agency completing the home study, they will document these updates in the ICPC record in the child’s case in eWiSACWIS.

Once the home study has been completed and the receiving state ICPC office has made a decision to approve or deny the placement, the ICPC Specialist will upload the home study and 100A in the ICPC Record for the sending agency to review.



If the placement is approved by the receiving state ICPC office, the sending agency will decide whether to place the child in the home. The sending agency is required to notify the WI ICPC office by completing the Child Placement Tab in the ICPC Record in eWiSACWIS within 3 days of the child’s placement or as soon as the agency decides not to place the child with the resource.

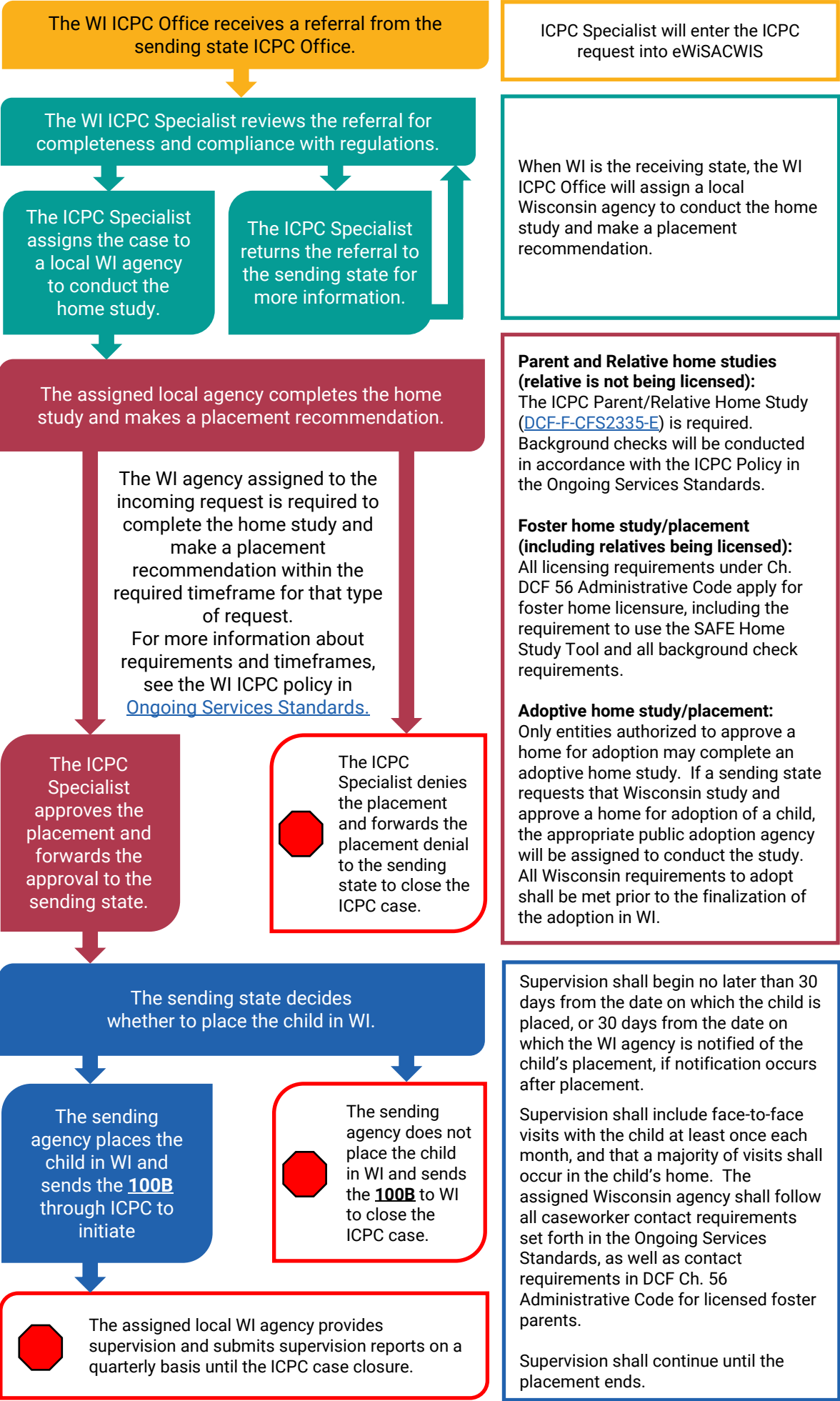
Completion of the Child Placement Tab will generate the 100B.

Once placed, the sending agency must continue all required case planning documentation in eWiSACWIS, including placement and payment information. Each quarter, the ICPC Specialist will upload supervision reports submitted by the receiving state local agency into the ICPC Record for sending agency review. The sending agency shall document the monthly caseworker contacts in eWiSACWIS using this supervision report and other information received from the receiving state.

If the child is moved, returned, or reaches permanency, the sending agency must notify the WI ICPC Office by completing the Record Closure Tab in the child’s ICPC Record. The ICPC Specialists will then close the ICPC Record in eWiSACWIS.

†Completion of the Record Closure Tab will generate the 100B†

Receiving State Workflow



eWiSACWIS Documentation
Visit the eWiSACWIS Knowledge Web for more information:
dcf.wisconsin.gov/knowledgeweb/home

When Wisconsin receives a referral from another state, the ICPC Specialist will enter the Referral into eWiSACWIS and assign a local agency to complete the home study.

The assigned worker must complete the home study documentation in eWiSACWIS. The completed home study must be uploaded in the child's ICPC Record. If the proposed resource is being licensed, all licensing documentation must be completed.

Once a decision to recommend an approval or denial of placement is made, the WI ICPC Specialist will make the decision to approve or deny placement and upload the signed 100A in the ICPC Record.

The WI ICPC Specialist will document the child's placement and upload the 100B in the child's ICPC Record.

The agency assigned to supervise the child shall complete a supervision report (template in eWiSACWIS) in the child's ICPC Record at least quarterly.

Once the child's placement ends, the WI ICPC Specialist will upload the 100B in the ICPC Record and close the ICPC case.

Required Documentation

When preparing to submit an ICPC Referral for each child proposed for placement, the following documentation is required. This information should already exist in eWiSACWIS or be put in eWiSACWIS prior to creating the referral.

All Regulation 1, 2, and 7 Requests
The documents specific to the type of regulation are detailed to the right. The following documents are required for regulation 1, 2, and 7 requests:

- ☐ Cover letter;
- ☐ 100A;
- ☐ A court order providing the sending state agency jurisdiction to place the child OR a statement on the sending agency's authority to place the child and documentation that supervision is on-going;
- ☐ Case history (can be documented in a court report, permanency plan, or other existing documentation), including:
 - Placement and social history,
 - Court involvement,
 - Social dynamics,
 - Special needs of the child,
 - Other information relevant to the placement of the child;
- ☐ Copy of the child's case plan or permanency plan;
- ☐ IV-E Eligibility verification;
- ☐ Financial/Medical Plan;
- ☐ Social Security Number (SSN), if available;
- ☐ Birth certificate, if available; and
- ☐ Proof of paternity if going to a paternal relative or father.

Regulation 1: Relocation of the Family Unit
In addition to the documents on the left, Regulation 1 requests must include:

- ☐ **100B** if the child is already placed in the receiving state,
- ☐ Any licensure, certification, or approvals from the sending state, including verification of completed training, if applicable,
- ☐ Existing home study and any updates to that home study,
- ☐ Progress reports for last six months and most recent judicial review court report and court order,
- ☐ Petition or Order for Termination of Parental Rights (TPR) if the request is for the purposes of adoption.

Regulation 2: Public Court Jurisdiction Cases
In addition to the documents on the left, Regulation 2 requests must include:

- ☐ Information about placement history in the sending state,
- ☐ Most recent judicial review court report and court order,
- ☐ Signed worker statement - This is generated upon completion of the placement request detail tab in eWiSACWIS
- ☐ Petition or Order for Termination of Parental Rights (TPR) if the request is for the purposes of adoption.

Regulation 7: Expedited Placement Request
A Regulation 7 ICPC Request can only be submitted if the child and proposed resource meet the requirements for the request.

In addition to the documents on the left, Regulation 7 requests must include:

- ☐ Most recent judicial review court report and court order,
- ☐ Signed worker statement - This is generated upon completion of the placement request detail tab in eWiSACWIS
- ☐ ICPC Sending State Priority Home Study Request (DCF-F-CFS0101-E),
- ☐ ICPC Priority Placement Order (JC-1648) **signed within the timeframe.**

Cover Letter	100A	Worker Statement	Financial/Medical Plan	100B
Identify child to be placed and contact information of the proposed resource	Required for each child to provide basic information about the request	Ensures the sending agency has communicated with the proposed resource	The sending agency remains ultimately financially responsible for the child	Send when child is initially placed in the receiving state
Brief statement of legal status, reason for placement, and long-term plan	Acts as the formal approval or denial from the receiving state and permission for placement	The sending agency should only make an ICPC request if the proposed resource is willing and able to accept placement	The sending agency is responsible for determining assistance, including payment	Send when the child moves within the receiving state
Note any special circumstances or considerations for placement	Child can only be placed with a signed and approved 100A		If the child must return to the sending state, the sending agency is responsible	Send when a placement request is withdrawn, placement ends, or jurisdiction closes

Additional Resources

- For Wisconsin policy information, resources, and contact information, visit dcf.wisconsin.gov/cwportal/icpc
- For Ongoing Standards, visit <https://dcf.wisconsin.gov/files/cwportal/policy/pdf/ongoing-services-standards.pdf>
- For full ICPC Regulations and national resources such as state pages, visit <https://aphsa.org/AAICPC>
- For resources on eWiSACWIS documentation visit dcf.wisconsin.gov/knowledgeweb/home